CONFIDENTIAL Regn. No. 11-37—45,000—9-11-34.

Revenue (1935) Department.

MS SERIES.

G.O. No. 880
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DATED 5-4-1935

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810

[Despatch Abstract.]

Village officers - (S. Kanara) -
Indebtedness - Application of the
hereditary principle of Succession
Instructions - Board's proceedings

Confidential. REVENUE DEPARTMENT. Rv 316A 29.3.35

SUBJECT.

D.C.B. - (South Kanara) - Deterioration in Land Revenue collections - Methods of improvement - Village officers - Indebtedness - Application of the hereditary principles of succession - Instructions issued to Collector.

Misc. Confdl. No.1237.

M a d r a s, Dated the 26th March 1935.

From

A.R.C.Westlake, Esq., I.C.S.,

Secretary, Board of Revenue,

Land Revenue and Settlement,

Chepauk, Madras,

J.F.Hall, Esq., C.I.E., O.B.E., I.C.S., Commr. of Excise.

M.R.Ry.Diwan Bahadur N.Gopalaswami Ayyangar Avl., Commr. of Land Revenue and Settlement.

G.T.Boag, Esq., C.I.E., I.C.S., Commissioner of Land Revenue.

Read the following paper:--

Board's Refce.No.Confdl.C.7005/34-2, dated the 22nd October 1934.

Letter from E.M.Gawne, Esq., I.C.S., Collector of South Kanara, Confdl. No.47-34, dated the 6th December 1934.

Resolution.

The Board has considered the Collector's proposal. Village Officers in the South Kanara district have no statutory right to their appointment and the tenure of the offices is non hereditary. The Board sees no reason why the Collector should not be allowed to exercise his discretion freely in

(i) removing village headmen who are personally involved in debts and in

(ii) disregarding the proposals of the guardians of minors when the deputy proposed by them is personally involved in debt.

2. The Board considers that this change would be sufficient

sufficient for the present as to go further and insist on personal property qualifications for appointment would give rise to a charge that the Government are hastening the dissolution of Aliyasanthana families.

3. The Collector's proposal to notify the change in the District Gazette does not commend itself to the Board: it would be sufficient if the Collector issues instructions to his Revenue Divisional Officers to remove village headmen against whom arrest warrants for debts are issued.

(True Extract)

V. Ponnambalam

for Secretary. 21335

To the Collector of South Kanara.

Copy to the Secretary to Government, Revenue Department.

28-7

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Copy of letter from E.M.Gawne, Esq., I.C.S., Collector of South Kanara, Confdl.No.47-34 dated 6th December 1934.

Demand - Collection and Balance - Deterioration in land revenue collection - Inspection by the Commissioner of Land Revenue and Settlement - Village officers in South Kanara - Principles of hereditary succession - Observance - report submitted.

Ref:- Board's Confdl.Ref.C.7005/34-3 dated 22-10-1934.

Till the present depression, land revenue kist was collected easily except in Hosdrug Sub Taluk and quite incompetent potails scraped through successfully because the average ~~xxxxx~~ potail had no difficulty and so the Tahsildars and the Revenue Inspectors were able to concentrate on the indifferent Potails. Now that money is scarce everywhere the taluk officers ~~xxxxx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ cannot give so much time to single villages. The village officers themselves either as heads of families or as junior members have difficulty in making their own payments and those who are in embarrassed circumstances do not find themselves inclined or able to press ryots for payment. These difficulties show up the disadvantage of a rigid hereditary system of choosing village officers. Till recently a village headman without any property could not be dismissed for that reason and even if he could be got rid off somehow or other the office remained in the family. But this difficulty has been solved by the amendment to B.S.O.No.155 para 11 issued in Board's Reference C.No.2338-34-5 dated 5-11-1934.

2. I interpret "insolvency" in the amendment, not to mean established insolvency but inability to pay off decreed debts after due warning has been given by the Tahsildar that if the debt is not liquidated, the man will be adjudged insolvent for administrative purposes. I propose to have it notified in the District Gazette that any village headman against whom an arrest warrant for debt is issued, will be suspended forthwith, whether the warrant is executed or not and will lose his office if the debt remains uncleared after 6 months and that in such cases the

the Collector will reserve complete discretion to refuse to register a minor or appoint a man from the same family unless he is satisfied that the nominee proposed for the office or the minor proposed for registration is not embarrassed by the same debt as the dismissed man is. To enable the Tahsildars to carry out these instructions effectively, they may be empowered to suspend such a headman on the issue of arrest warrants, subject to the approval of the Revenue Divisional Officer.

3. When a minor is registered as headman, a deputy is appointed to discharge the duties of the office during his minority after consulting the minor's near relatives. The principle underlying such nomination is that the registered heir may receive assistance from the deputy in preparing himself to take up the duties of the post on attaining majority. But as a matter of fact very few registered minors ever receive training from their deputies. The reason generally is that they live apart and rarely come into contact with each other. In reality however offers of monetary consideration prevail with the minor's relatives in choosing a deputy. The deputy having bought his post from the minor's family takes no further interest in the minor. Hence I propose that the provision in para 9 of B.S.O.No.148 for the nomination of a deputy by the minor's guardian may be deleted.

4. B.S.O.No.155, para 11 lays down that for nonhereditary posts of village headman, men of property should always be selected if possible. This provision is incompatible with the hereditary principle that is followed in this district and in practice it places village offices in the charge of many junior members of Aliyasantana families without any personal property though the family may have vast family properties. Generally such men have a right only to maintenance during their life time from the family properties which cannot be proceeded against for their personal debts. It would be desirable to make a general rule that men of property should always be selected as headmen in future, such property being personal in the case of Aliyasantana

families. When the next heir to the last office holder happens to be a minor and when the guardian is unable to show present ex or prospective property qualification for him, his registry may be refused. To bring in this rule immediately might produce too much disturbance in the district. I propose therefore that a beginning should be made With removal of heavily indebted men (para 2) and nomination of deputies by the Government and not by minor's guardians. (para 3).

5. I trust these modifications will go a long way to improve the village administration. All Divisional Officers and Tahsildars consider that the present system must be changed; many are for even more drastic changes.

6. A copy of the confidential circular instructions issued to the subordinate officers on the lines outlined in para 2 of Board's report Confdl.Ref.C.7005/34-2 dated 22-10-1934 to Government is submitted for the information of the Board.

7. I request that the proposals in paras 2 and 3 may be approved by the Board.

Confdl.No.47/34.

E.M.Gawne, Esq., I.C.S.,
Collector of South Kanara.

Circular.

Land Revenue - Collection - Executive instructions - Issued.

The Collector desires to impress on the subordinates the need for following closely the provisions of the Revenue Recovery Act and the Board's Standing Orders relating thereto and will not hesitate to deal suitably, with those who break the rules in the collection of land revenue. The general rules to be observed are contained in Chapter IV of the Village Officers' and Ryots' Manual 1931 Edition of which every village headman, Revenue Inspector, Deputy Tahsildar and Tahsildar should have a copy. Every officer should acquaint himself thoroughly with the Revenue Recovery Act and the provisions of B.S.Os 35 to 49 besides reading carefully Chapter IV of the Village Officers' and Ryots' Manual.

(M-3)

2. The Collector observes that much time is wasted in earnest attempts of the subordinate officers to get through the early stages of the process by distraining the moveables and jewellery. The Board considers that local officers are wasting time in trying to distrain the moveables first as a matter of course before proceeding against the land itself. This practice is apparently followed on a misconception based on the wrong understanding of question No.6 in the form of report of sale of land (R.F.No. XXVI-17) and the irregularity mentioned in item No.21 of the irregularities pointed out in B.P.No.32, Press, dated 5-5-1923 communicated in this office R.Dis.3752-23 dated 27-6-1923. The Collector impresses on all subordinates that the instructions regarding the attachment of moveables first, apply particularly to small arrears due by small ryots and were designed to prevent powerful ryots from purchasing the land of poorer ryots in collusion with the village officers, when the arrears could be recovered by distraint and sale of the moveables. The local officers will bear in mind that there is nothing in section 5

and

and 6 of the Madras Revenue Recovery Act II of 1864 to prevent the Collector from (1) bringing to sale both moveable and immoveable property ~~xxxxxx~~ or (2) bringing the immoveable property to sale before selling the moveable property. The instruction which was intended to help the poorer ryots should therefore never be followed as a hard and fast rule in the matter of collection of land revenue. On the other hand, the Tahsildars will be well advised to attach immediately the lands of persistent defaulters and of large Aliyasanthana families or ~~of~~ Marumakathayam tarwads instead of wasting time in the attachment of moveables of a doubtful owner. With the speedy realisation of land revenue as the object in view, the Tahsildars should use their discretion judiciously in the matter and in all suitable cases should proceed straightaway ~~xxxxxxxxxxx~~ with the issue of demand notice No.4 so that the lands could be brought to sale without delay. The Revenue Inspector being the officer on the spot, should be able to catalogue the fit cases and to supervise the work of the Village officers in the matter of application for the issue of process No.4 in the first month of the kist season in respect of all such cases. The Tahsildars should make it a point to issue the demand notices No.4 from their offices expeditiously and to watch their prompt service. Instructions on these lines should be issued to the Village officers, who should be severely punished for any dilatoriness.

3. It is needless to point out that the very object of prompt collection will be defeated if processes Nos.5 and 7 are not issued with equal regularity and early in the collection season. All officers have seen in the last years that the ryots have learnt that land sales give them a long respite and that by far the greater amount of land brought to sale never really changes hands at all. It is therefore imperative to counter this by bringing the land to sale much earlier.

4. It is also observed that land sales are often cancelled on account of some irregularity or other commited in going through

through the formalities prescribed by the Revenue Recovery Act. There is reason to believe that the Revenue Inspectors do not make it a point to read the irregularities enumerated in B.P. 32, Press, dated 5-5-1923 which ~~which~~ has already been communicated to all Revenue Inspectors in this office R.Dis.3752-23 dated 27-6-1923. The Tahsildars are requested to find out if every Revenue Inspector is equipped with a copy of this proceedings of the Board, and to report to the Collector as soon as he has heard from each Revenue Inspector whether or not he has got the Proceedings. The Revenue Inspector should take this order with him to camp and should hand it over to his successor on transfer. A separate note book should be opened by each Revenue Inspector for the receipt of the Proceedings and whenever there is a transfer of charge of the firka, the relieving officer should acknowledge the receipt of the Board's Proceedings in the note book. The Revenue Inspector should read the Board's Proceedings before conducting every land sale and should certify as follows in each report of sale:- "Certified that I have satisfied myself that there has been no irregularity in this case of the kind enumerated in B.P.No.32, Press, dated 5-5-23 or any other similar irregularity, which would vitiate the sale proceedings." Tahsildars and Revenue Divisional Officers should insist upon such a certificate in every case of sale of land and failure to furnish a correct certificate should be severely noticed. The Revenue Inspector will be held really responsible if he commits any irregularity which has the effect of cancellation of the sale and the consequent ~~x~~ need for a resale and the concomitant delay in the realisation of land revenue. The Revenue Divisional Officers will particularly watch the work of the Revenue Inspectors in this direction in order to see how far the instructions now issued are followed. Persistent carelessness on the part of the Village officers or the Revenue Inspectors should ~~xxiiiii~~ automatically end in severe punishment.

5. The Revenue Divisional Officers are also requested to scrutinize the Revenue Inspectors' diaries (columns 10 to 12) relating

relating to inspection of the village collection accounts in regard to prompt applications for processes by Village officers. On the date of remittance to the Taluk office there should be no arrear which is not covered by process and the village officers who are negligent in this respect should be punished. They will see that besides themselves, the Tahsildars and Deputy Tahsildars also do check a sufficient number of these items in the course of their tours. The work done by the Tahsildars and Deputy Tahsildars under this head should be reviewed in the quarterly reviews of Revenue Divisional Officers on the tour statements of Tahsildars and Deputy Tahsildars.

6. The Collector will not accept stereotyped arguments such as economic depression, fall in prices and the difficult conditions peculiar to the district, as extenuating circumstances for continued deterioration in the land revenue collection work. Ryots have learnt in the past three years that there has been a fall in prices. It is for them to moderate their expenses to enable them to pay their land revenue. The Collector will look to the Revenue Divisional Officers and the Tahsildars for the proper and strong application of the provisions of the Revenue Recovery Act so that the Government demand is collected without delay even at the risk of bringing to bear on the ryots all the pressure which the law permits.

C.F. 16.

DRAFT FOR APPROVAL.

SUBJECT:— Rev. Right

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When received for fair copying ..		
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When despatched.		

READ AGAIN for No 2318 Rev dated 9. 11. 1934. (T)

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READ *ALSO*:—

No. 316 M/35 From the Bd of Rev. LRs. BR No. Misc 1237/X dated 28/3/1935.

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Order ~~Resolution~~ Ms. No. 880, dated 5 — 4 — 1935.

(Cancel.)

Recorded

Gone 3/4

To

The Bd of Rev. (LRs.)

Desp. 1.4.35

Desp. 8-4-35

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